

12 Fleetwood St

Leyland

PR25 3NL

06/01/2021



**FULL VARIATION OF LICENCE**

**INDIGO BAR 1A FLEETWOOD STREET**

Ref A: Mr Hindle's Letter dated 03/12/2018

Ref B: Mr Matthew Cropper's(EHO) Letter dated 19/11/2018

Ref C: Mr Mark Marshall's(Head of Licensing) Statement undated

**General**

I am writing in respect of the above application to register my objections to the following:

1. An extension to current opening time and extension to sale of alcohol.
2. To change the requirement for the need for door staff to be by risk assessment only.

**Residents**

Fleetwood Street is a cul de sac off Chapel Brow consisting of 16 residential terraced houses. In addition there is the Indigo Bar and Mosque which are situated at the entrance to the street.

All residents are within 10-40 metres of the bar.

The residents are made up of working couples with young children, OAPs , middle aged couples and professional working single persons.

2 of the properties are within 10 metres of the bar whose residents have young children under 5 years of age..

There are 3 residential flats/houses on Chapel Brow in close proximity to the bar

The conflict of interest lays in the fact that the bar is sited in very close proximity to the residential properties.

The residents want and expect the right to live in a peaceful environment without their way of life disturbed by revellers disturbing their lives, in particular in the early hours of the morning when the bar closes.

Mr Hindle, who has invested a lot of money into the bar is a successful business man wants to run his business and maximise profits by extending the opening hours.

Clearly compromise is the only way to achieve an acceptable status quo between the owner and the residents.

**Historical**

In 2018, Mr Hindle applied for the above property to be licenced.

Due to the bar being in close proximity to the residents' properties of Fleetwood Street and Chapel Brow an amicable agreement was reached between Mr Hindle and the residents.

This resulted in the current Opening/Closing hours being adopted with the provision of door staff at the weekends. (See Ref A enclosed).

Further to this Mr Matthew Cropper (EHO) supported the current Opening/Closing Hours (ie Midnight Fri/Sat, 11pm on other nights) (See Ref B enclosed)

### **Proximity**

Even though the new establishment which will include the Curious Café will result in the front entrance being moved to Chapel Brow, the customers will on exiting the premises still congregate in the Fleetwood Street/Chapel Brow area.

With the increase in customer numbers it would be realistic to estimate that up to 100 customers could spill onto Chapel Brow at weekends in the early hours.

The associated problems of such numbers of customers in drink were highlighted in Mr Marshall's statement (See Ref C enclosed).

### **Opening/Closing Hours**

The proposed increase in the licencing hours (Closing times Fri/Sat 01000hrs, Sun/Weekdays Midnight) could result in large numbers of customers congregating in the area of Fleetwood Street which will impact upon the residents of both Chapel Brow and Fleetwood St.

Dispersal of such large numbers will take time with a possible detrimental effect to local residents (noise, taxis etc).

### **Door Staff**

The Door Staff play a key role in maintaining order both in and outside the bar.

Their duties included policing customers entering/leaving the bar and importantly at Closing Time to clear the bar and disperse customers from the outside vicinity of the bar (See Ref A enclosed).

Their loss would result in customers congregating without any form of policing.

### **Summary**

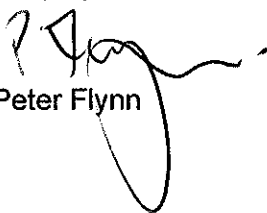
As a resident I do have concerns about being disturbed by customers leaving the bar in the early hours.

Everyone has the right to respect for their home, private and family life with autonomy.

I would recommend:

1. Limit the Opening/Closing hours to the current ones
2. Retention of the Door Staff.

I hope you will consider these points when making your decision.

  
Peter Flynn



Licensing Office,  
South Ribble Borough Council,  
West Paddock,  
Leyland  
3/12/18

Ref Indigo, 1 Fleetwood St, Leyland PR25 3NL

Dear Sirs,

Given the level of objection and the benefit of hindsight I would like to make the following comments.

1. We will be happy with a midnight licence on Friday and Saturday and 11pm the rest of the week
2. We will not be having live bands performing with the possible exception of acoustic music early Sunday evenings, there will also be no karaoke

I would also like to address the issues raised by the various authorities

#### Licensing

1. We will be getting an acoustic test done, but regardless of this the recorded music will be set at a level which is acceptable to the residents and it will never exceed this
2. No windows or doors will ever be left open, we have blocked off 3 windows to the side and installed a brand new air conditioning system, meaning no windows ever need to be opened. The door to the top of the fire escape will never be opened either as there is no access to the yard for customers.
3. There will be no chairs or tables externally, no external speakers, no artificial lighting and no heaters.
4. There will be no deliveries after 7pm and glass will only be disposed of during daytime hours
5. With regards to children on the premises this will only happen when families come out to watch the football and they will have to be accompanied by an adult.
6. With regards to taxis, although I cannot physically stop them entering Fleetwood St we will be in touch with all local firms to instruct them that any drop offs or collections must be done on Chapel Brow.
7. With regard to capacity, I can agree with licensing that 150 is probably too many and would be happy with a capacity of 120

#### Police

1. I note the police comment about dancing, we are having a DJ but there is no section on the application for dancing apart from "performance of dance" which I presume is not dancing.
2. 2 door staff will be employed on Friday and Saturday nights from 9pm to 12.30am or until the bar is cleared and the street empty. There will also be a barrier system in place those nights to direct people towards Chapel Brow and discourage them from going down Fleetwood St
3. Our smoking area will be located towards the end of Fleetwood St where it meets Chapel Brow and a smoking bin will be provided at this point. Door staff will prevent anyone taking a drink outside on nights they are working at other times there will be a sign asking customers not to take drinks outside, cameras will monitor the area and all staff will be instructed to be vigilant.

#### Residents Concerns

I can only say that from the residents complaints about the previous operators I have genuine sympathy for their plight, however we are new operators and will take every measure possible to ensure the situation is much improved and will liaise with a nominated resident to resolve any issues, this is my business and I am directly responsible not a faceless committee. Our target demographic is primarily 25-45 years of age and we are not a cheap drinking establishment, we are creating a nice bar for decent people to socialise in. In response to individual concerns I would like to add the following

1. Our cleaner will be instructed to clean the street outside our premises as soon as she arrives at 7am
2. During the week I will personally be on site to ensure customers vacate the street immediately
3. With regard to parking there is not much I can do as there are no restrictions on the street, however I will say I'm quite surprised that the street is not residents only parking as this would alleviate a lot of their problems.
4. When deliveries are due we will do our best to cone off the delivery area to make sure they don't block the road and will strive to make the delivery as quick as possible.
5. I have no other businesses licensed or otherwise, this will be my only source of income and is extremely important to me.
6. Fast food owners parking on the street, again this is out of my control but residents parking would stop this
7. Racial Hatred! Not quite sure how to respond to this but I would like to think we will attract a more urbane crowd and not knuckle dragging neanderthals.

I think the responses to the authorities address all the other issues, I can only stress that this will be a responsibly operated business and we want to exist side by side with the residents with as little disruption as possible to their daily lives.

Regards

Daniel Hindle



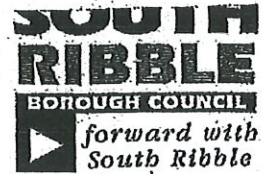
REF B

Appendix B  
REF. B

APPENDIX A

## ► Licensing Act 2003

## ► Statutory Consultee Response



<b>To:</b>	Chris Ward	<b>From:</b>	Mr Matthew Cropper
<b>Position:</b>	Licensing Officer	<b>Position:</b>	Environmental Health Officer
<b>Division:</b>	Licensing Services	<b>Division:</b>	Environmental Health
<b>Your Ref:</b>		<b>Our Ref:</b>	18/1990/CONLIC
<b>Extension No:</b>		<b>Extension No:</b>	
<b>Copy To:</b>	Mark Marshal	<b>Date:</b>	19 November 2018
<b>Name of Premises:</b>	Indigo		
<b>Address:</b>	1A Fleetwood Street, Leyland, Preston, PR25 3NL		

**Given the proximity of the proposed licenced premises to neighbouring residential properties, there is a strong likelihood that the licenced activity will cause a nuisance to the residents of, in particular but not limited, to Fleetwood Street, Chapel Brow, Orchard Street and Hewitt Street. I therefore recommend that the application is refused. However if the Licensing Authority is minded to approve the application I recommend that the following measures are put in place before the Licensing Authority should consider granting a licence.**

### Opening Hours

**Reduce the hours in the proposed licence to midnight on Fridays and Saturdays and 11pm on other nights to reduce:**

- **Noise in the streets from patrons arriving late at night from other licenced premises.**
- **Noise in the streets from patrons leaving late at night.**
- **Noise in the streets from patrons smoking in the street.**

### Acousticians Report

Commission a report by a qualified acoustician on the likely impact of the intended licensed use of the premises detailing the necessary sound proofing work required to prevent noise nuisance. Undertake the necessary work in agreement with Environmental Health and provide a copy of the report to the Licensing Authority.

### Windows and Doors

Windows to the premises shall be kept closed during licensed hours. Doors to the premises shall be kept closed and shall only be used for access into and out of the building i.e. shall not be propped open. The entrance used by the public shall be of a vestibule (lobby) construction with self-closers fitted to both sets of doors, this is to prevent noise break out.

### Extraction

Since the windows and doors shall remain closed an adequate extraction for the premises, including the bar and kitchen (if provided), shall be provided with suitable mechanical ventilation which will prevent the need for doors and windows to be opened.

**Customer Noise**

To discourage patrons from congregating outside the premises and causing a nuisance the below conditions are required.

- No seating or tables shall be externally provided.
- No external speakers.
- No artificial lighting or heaters installed outside the premises.
- Patrons must not have access to the yard at the rear and must not be used as a smoking area.
- The fire escape must be used as an emergency exit only during opening hours.

**Deliveries & Waste Collections**

No deliveries or waste collection between 1900 hours and 0800 hours Monday to Friday and no deliveries or waste collection on Saturdays, Sundays or Bank Holidays.

**Disposal of Glass**

This Department has previously received noise complaints regarding commercial premises disposing of glass bottles etc by dropping them into a container. Therefore access to any external bin stores shall only be used between the hours of 1100 hours to 2200 Monday to Saturday, and 1100 to 2100 hours Sunday and Bank Holidays.

Regards

Mr Matthew Cropper  
Environmental Health Officer



REF C

REF: C



I am Mark Marshall, currently employed as the Head of Licensing for South Ribble Borough Council, duly authorised by David Whelan, Head of Legal Services to submit representations on behalf of the Licensing Authority.

An application was received on the 25<sup>th</sup> October 2018 for a new premises licence relating to 1a Fleetwood Street, Leyland PR25 3NL. The premises is located on the 1<sup>st</sup> floor of the building and entry is gained through a single width door on Fleetwood Street.

On the 12<sup>th</sup> November 2018 the premises was visited by Licensing Officers, at this time construction work was still taking place but the overall layout was very apparent, a single fire exit door is located to the rear of the first floor which provides access onto a steel stair case which leads down into a rear yard.

The premises currently still benefits from a Club Premises Certificate allowing the supply of alcohol to 01.00hrs at the weekend and recorded music till midnight.

The new application seeks to sell alcohol till 02.00hrs and offer recorded music till 02.15hrs.

The Licensing Authority have numerous concerns;

#### Public Safety

The operating schedule which is included with the application indicates that a capacity of 150 is proposed, given the fact the fire exit door on the first floor is approximately 750mm wide this would have an impact on the time that it took to clear the building in the event of fire. General guidance on fire safety which is readily available indicates that 100 capacity would be advisable especially given that the majority of the customers will be in drink. It is possible to increase capacity if the exit door is slightly wider than 750, for every 75mm above 750mm there guidance suggests that an increase of 15 people would be permissible. Lancashire Fire and Rescue agreed that 150 capacity for such a premises is ambitious, and suggested a figure closer to 100.



**Protection of Children from Harm**

A technical point with the operating schedule has been noted in that the applicant has suggested that no unaccompanied children under 14 will be on the premises after 7pm.

Section 145 of the Licensing Act 2003 prohibits children under 16 being on specified premises at any time unless unaccompanied. This premises is exclusively or primarily used for the sale of alcohol on the premises so the no child under 16 would be permitted at any time unless accompanied by an adult.

**Prevention of Public Nuisance.**

The entrance to the premises is very close to residential property (approximately 20 meters) from the nearest house, the street comprises of terraced housing and the noise from customers entering and dispersing the area would easily carry down the street, a break in the housing, trees and walls would all act as a barrier for the noise but on this street there is no environmental protection.

This point was raised on the 12<sup>th</sup> November 2018 with the applicant and some suggestions were made regarding the installation of a quieting system and last entry condition, however neither have these have been offered in this initial application so can only be imposed by the applicant volunteering it or the Committee imposing it.

Sound insulation in the building has not been considered so the impact of recorded music or live bands has not been established, residents who have submitted objections indicate that they suffered noise nuisance when the previous club had live bands so the same position should be assumed with this new operation. This matter could be rebutted by the submission of a suitable noise assessment, at the time of writing no such document has been lodged with the application.

A further concerns exists regarding the potential changes to neighbouring commercial premises, there are at least 4 late night takeaways on Chapel Brow all within about 50 meters from the premises, the latest terminal hour for these takeaways is 01.30 hrs. With a late night licensed premises proposing a closing time of 02.30hrs it is likely that some or all of these nearby takeaways will want to take advantage of more customers in the area and therefore apply for later opening. Typically takeaways seem to operate for about 30-45 minutes after neighbouring licensed premises close, this could protract dispersal from the area of Chapel Brow to 03.00hrs.

There is limited infrastructure in place around the locality for taxis, a small 2 bay taxi rank exists on Chapel Brow which is time limited between 7pm and midnight, after midnight private cars could legitimately park on the this rank which could mean that customers choose to pre book taxis, unless well controlled the arrival of numerous private hire vehicles could lead to noise nuisance problems from cars doors banging vehicles turning or waiting in Fleetwood Street or the possibility of arguments over who booked which vehicle. Again the operating schedule has failed to consider the impact of large numbers of people dispersing in the early hours of the morning onto what is currently a quiet residential street.




**Prevention of Crime and Disorder**

The anticipation of an increase in crime in the area can be assessed by the previous problems encountered by residents. When the premises ran as a member's club anti-social behaviour such as rowdy and inconsiderate behaviour, urinating in nearby alley ways and general disturbance from smokers as well as people arriving and dispersing were all matters of annoyance.

With proposed later opening hours and potentially a different demographic entering the area late at night it is more than reasonable to envisage problems will occur. The applicant is proposing 2 door staff to be on duty, one on the front door and one inside the premises, on busy night's one member of door staff will not be able to manage the issues in the immediate vicinity of the premises, it should be noted that in the immediate vicinity there are numerous residential properties.

Yours Faithfully.



**Mark Marshall**  
Head of Licensing  
**South Ribble Borough Council**  
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